



1 AN ACT regarding schools.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 26-1 and 26-2 as follows:

6 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

7 Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
8 custody or control of any child between the ages of 7 and 17  
9 years (unless the child has already graduated from high school)  
10 or any child below the age of 7 years who is enrolled in  
11 kindergarten or first grade shall cause such child to attend  
12 some public school in the district wherein the child resides  
13 the entire time it is in session during the regular school  
14 term, except as provided in Section 10-19.1, and during a  
15 required summer school program established under Section  
16 10-22.33B; provided, that the following children shall not be  
17 required to attend the public schools:

18 1. Any child attending a private or a parochial school  
19 where children are taught the branches of education taught to  
20 children of corresponding age and grade in the public schools,  
21 and where the instruction of the child in the branches of  
22 education is in the English language;

23 2. Any child who is physically or mentally unable to attend  
24 school, such disability being certified to the county or  
25 district truant officer by a competent physician or a Christian  
26 Science practitioner residing in this State and listed in the  
27 Christian Science Journal; or who is excused for temporary  
28 absence for cause by the principal or teacher of the school  
29 which the child attends; the exemptions in this paragraph (2)  
30 do not apply to any female who is pregnant or the mother of one  
31 or more children, except where a female is unable to attend  
32 school due to a complication arising from her pregnancy and the

1 existence of such complication is certified to the county or  
2 district truant officer by a competent physician;

3 3. Any child necessarily and lawfully employed according to  
4 the provisions of the law regulating child labor may be excused  
5 from attendance at school by the county superintendent of  
6 schools or the superintendent of the public school which the  
7 child should be attending, on certification of the facts by and  
8 the recommendation of the school board of the public school  
9 district in which the child resides. In districts having part  
10 time continuation schools, children so excused shall attend  
11 such schools at least 8 hours each week;

12 4. Any child over 12 and under 14 years of age while in  
13 attendance at confirmation classes;

14 5. Any child absent from a public school on a particular  
15 day or days or at a particular time of day for the reason that  
16 he is unable to attend classes or to participate in any  
17 examination, study or work requirements on a particular day or  
18 days or at a particular time of day, because the tenets of his  
19 religion forbid secular activity on a particular day or days or  
20 at a particular time of day. Each school board shall prescribe  
21 rules and regulations relative to absences for religious  
22 holidays including, but not limited to, a list of religious  
23 holidays on which it shall be mandatory to excuse a child; but  
24 nothing in this paragraph 5 shall be construed to limit the  
25 right of any school board, at its discretion, to excuse an  
26 absence on any other day by reason of the observance of a  
27 religious holiday. A school board may require the parent or  
28 guardian of a child who is to be excused from attending school  
29 due to the observance of a religious holiday to give notice,  
30 not exceeding 5 days, of the child's absence to the school  
31 principal or other school personnel. Any child excused from  
32 attending school under this paragraph 5 shall not be required  
33 to submit a written excuse for such absence after returning to  
34 school; and

35 6. Any child 16 years of age or older who (i) submits to a  
36 school district evidence of necessary and lawful employment

1 pursuant to paragraph 3 of this Section and (ii) is enrolled in  
2 a graduation incentives program pursuant to Section 26-16 of  
3 this Code or an alternative learning opportunities program  
4 established pursuant to Article 13B of this Code.

5 (Source: P.A. 93-858, eff. 1-1-05.)

6 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

7 (Text of Section from P.A. 93-803)

8 Sec. 26-2. Enrolled pupils below 7 or over 16.

9 (a) Any person having custody or control of a child who is  
10 below the age of 7 years or above the age of 16 years and who is  
11 enrolled in kindergarten or in any of grades 1 through 12~~7~~ in  
12 the public school shall cause him to attend the public school  
13 in the district wherein he resides when it is in session during  
14 the regular school term unless he is excused under paragraphs  
15 2, 3, 4 or 5 of Section 26-1.

16 (b) A school district shall deny reenrollment in its  
17 secondary schools to any child above the age of 19 years who  
18 has dropped out of school and who could not, because of age and  
19 lack of credits, attend classes during the normal school year  
20 and graduate before his or her twenty-first birthday. A  
21 district may, however, enroll the child in an alternative  
22 learning opportunities program established under Article 13B.  
23 No child shall be denied reenrollment for the above reasons  
24 unless the school district first offers the child due process  
25 as required in cases of expulsion under Section 10-22.6. If a  
26 child is denied reenrollment after being provided with due  
27 process, the school district must provide counseling to that  
28 child and must direct that child to alternative educational  
29 programs, including adult education programs, that lead to  
30 graduation or receipt of a GED diploma.

31 (c) A school or school district may deny enrollment to a  
32 student 16 years of age or older for one semester for failure  
33 to meet minimum academic standards if all of the following  
34 conditions are met:

35 (1) The student achieved a grade point average of less

1 than "D" (or its equivalent) in the semester immediately  
2 prior to the current semester.

3 (2) The student and the student's parent or guardian  
4 are given written notice warning that the student is  
5 failing academically and is subject to denial from  
6 enrollment for one semester unless a "D" average (or its  
7 equivalent) or better is attained in the current semester.

8 (3) The parent or guardian is provided with the right  
9 to appeal the notice, as determined by the State Board of  
10 Education in accordance with due process.

11 (4) The student is provided with an academic  
12 improvement plan and academic remediation services.

13 (5) The student fails to achieve a "D" average (or its  
14 equivalent) or better in the current semester.

15 A school or school district may deny enrollment to a  
16 student 16 years of age or older for one semester for failure  
17 to meet minimum attendance standards if all of the following  
18 conditions are met:

19 (1) The student was absent without valid cause for 20%  
20 or more of the attendance days in the semester immediately  
21 prior to the current semester.

22 (2) The student and the student's parent or guardian  
23 are given written notice warning that the student is  
24 subject to denial from enrollment for one semester unless  
25 the student is absent without valid cause less than 20% of  
26 the attendance days in the current semester.

27 (3) The student's parent or guardian is provided with  
28 the right to appeal the notice, as determined by the State  
29 Board of Education in accordance with due process.

30 (4) The student is provided with attendance  
31 remediation services, including without limitation  
32 assessment, counseling, and support services.

33 (5) The student is absent without valid cause for 20%  
34 or more of the attendance days in the current semester.

35 A school or school district may not deny enrollment to a  
36 student (or reenrollment to a dropout) who is at least 16 years

1 of age or older but not more than 19 years for more than one  
2 consecutive semester for failure to meet academic or attendance  
3 standards.

4 (d) No child may be denied enrollment or reenrollment under  
5 this Section in violation of the Individuals with Disabilities  
6 Education Act or the Americans with Disabilities Act.

7 (e) In this subsection (e), "reenrolled student" means a  
8 dropout who has reenrolled full-time in a public school. Each  
9 school district shall identify, track, and report on the  
10 educational progress and outcomes of reenrolled students as a  
11 subset of the district's required reporting on all enrollments.  
12 A reenrolled student who again drops out must not be counted  
13 again against a district's dropout rate performance measure.  
14 The State Board of Education shall set performance standards  
15 for programs serving reenrolled students.

16 (f) The State Board of Education shall adopt any rules  
17 necessary to implement the changes to this Section made by this  
18 amendatory Act of the 93rd General Assembly.

19 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04.)

20 (Text of Section from P.A. 93-858)

21 Sec. 26-2. Enrolled pupils below 7 or over 17. Any person  
22 having custody or control of a child who is below the age of 7  
23 years or is 17 years of age or above and who is enrolled in  
24 kindergarten or in any of grades 1 through 12 in the public  
25 school shall cause him to attend the public school in the  
26 district wherein he resides when it is in session during the  
27 regular school term, unless he is excused under paragraph 2, 3,  
28 4, 5, or 6 of Section 26-1.

29 A school district shall deny reenrollment in its secondary  
30 schools to any child 17 years of age or above who has dropped  
31 out of school and who could not, because of age and lack of  
32 credits, attend classes during the normal school year and  
33 graduate before his or her twenty-first birthday. A district  
34 may, however, enroll the child in a graduation incentives  
35 program under Section 26-16 of this Code or an alternative

1 learning opportunities program established under Article 13B.  
2 No child shall be denied reenrollment for the above reasons  
3 unless the school district first offers the child due process  
4 as required in cases of expulsion under Section 10-22.6. If a  
5 child is denied reenrollment after being provided with due  
6 process, the school district must provide counseling to that  
7 child and must direct that child to alternative educational  
8 programs, including adult education programs, that lead to  
9 graduation or receipt of a GED diploma. No child may be denied  
10 reenrollment in violation of the Individuals with Disabilities  
11 Education Act or the Americans with Disabilities Act.  
12 (Source: P.A. 92-42, eff. 1-1-02; 93-858, eff. 1-1-05.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.